

Diana Costantino Gomprecht (DG-2181)  
Epstein Becker & Green, P.C.  
250 Park Avenue  
New York, New York 10177  
(212) 351-4500  
Attorneys for Defendant  
BLUE CROSS AND BLUE SHIELD OF MASSACHUSETTS, INC.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
CHRISTOPHER B. TURCOTTE and SUSAN  
TURCOTTE,

Plaintiffs,

07 Civ. 4023 (RJS)(MHD)

- against -

**NOTICE OF MOTION**

BLUE CROSS BLUE SHIELD OF  
MASSACHUSETTS, INC.,


Defendant.  
----- x

PLEASE TAKE NOTICE that upon the Affidavit of Diana Costantino Gomprecht, Esq. dated September 28, 2007 and the exhibit annexed thereto, the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss and all prior pleadings and proceedings in this action, defendant Blue Cross and Blue Shield of Massachusetts, Inc. by its attorneys Epstein Becker & Green, P.C., and Joseph D. Halpern, Esq. will move this Court before the Honorable Richard J. Sullivan, United States District Judge, United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007, for an order granting the motion of defendant for dismissal of claims one and three through seven of the Verified Amended Complaint, dated June 6, 2007, pursuant to Fed. R. Civ. P. 12(b)(6) and to strike plaintiffs' jury demand.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, shall be served on the undersigned no later than October 29, 2007.

September 28, 2007

EPSTEIN BECKER & GREEN, P.C.

By:   
Diana Costantino Gomprecht (DG-2181)  
250 Park Avenue  
New York, New York 10177-0077  
(212) 351-4500

*-and-*

Joseph D. Halpern, Esq.  
Deputy General Counsel  
Blue Cross and Blue Shield of  
Massachusetts, Inc.  
Landmark Center  
401 Park Drive  
Boston, Massachusetts 02215-3326  
(617) 246-3500

*Attorneys for Defendant*

To: Christopher B. Turcotte, Esq.  
320 East 57<sup>th</sup> Street, #14B  
New York, New York 10022